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2 **IN THE UNITED STATES DISTRICT COURT**
3 **FOR THE DISTRICT OF NEVADA**

4 D.S., a minor by and through his Guardian ad
Litem, CORTNEY LARSON,

5
6 Plaintiff,

7 v.

18 CLARK COUNTY SCHOOL DISTRICT,
19 MELISSA OLSZEWSKI, SHAWN
HALLAND, DOES 150,

20 Defendants.
21

CASE NO. 2:22-cv-00246-JCM-NJK

**JOINT STIPULATION AND
[PROPOSED] ORDER TO MODIFY
SCHEDULING ORDER**

[SECOND REQUEST]

22 The parties, through their undersigned counsel, hereby stipulate as follows:

23 **I. STATEMENT OF DISCOVERY COMPLETED**

24 At the Court's direction, the parties submitted their amended stipulated discovery plan
25 and scheduling order on May 3, 2022 (Dkt. 29) and the Court entered its scheduling order on
26 May 4, 2022 (Dkt. 30). On July 5, 2022, the Court granted the Parties' First Request to modify
27 the scheduling order (Dkt. 34). The parties have completed the following discovery to date:

28 ///

1 1. On May 2, 2022, Defendants CCSD and Shawn Halland served their initial
2 disclosures.

3 2. On May 6, 2022, Plaintiff served initial disclosures.

4 3. On June 9, 2022 Plaintiff served Interrogatories and Requests for Production,
5 Set One to CCSD.

6 4. On July 6, 2022, Defendants CCSD and Shawn Halland served Interrogatories
7 and Requests for Production, Set One to Plaintiff.

8 5. On August 5, 2022, Defendant Olszewski served her initial disclosures.

9 6. On August 8, 2022, Defendants CCSD and Shawn Halland served their first
10 supplemental disclosures.

11 7. On August 8, 2022, Defendants CCSD and Shawn Halland served their answers
12 to Plaintiff's Interrogatories and Requests for Production, Set One.

13 8. On August 19, 2022, Plaintiff served answers to CCSD's Interrogatories and
14 Requests for Production, Set One.

15 9. On August 26, 2022, Defendant Olszewski served her first supplemental
16 disclosures.

17 10. On August 30, 2022, Defendants CCSD and Shawn Halland served their second
18 supplemental disclosures.

19 11. On October 4, 2022, Defendants CCSD and Shawn Halland served their third
20 supplemental disclosures.

21 **II. STATEMENT OF DISCOVERY THAT REMAINS TO BE COMPLETED**

22 The following discovery remains to be completed:

23 1. CCSD intends to issue subpoenas to the minor Plaintiff's medical providers for
24 records.

25 2. Complete lay witness depositions.

26 3. CCSD intends to request a Rule 35 Psychological Examination of the minor
27 Plaintiff.

28 4. Disclose expert reports.

5. Depose the parties' retained experts.

III. REASONS WHY DISCOVERY WILL NOT BE COMPLETED BY THE CURRENT DISCOVERY CUTOFF

Under the current deadlines, lay discovery closes in less than twenty (20) days. The Parties need additional time to meet-and-confer regarding production of documents, to review them when produced, and to take party depositions thereafter. At Plaintiff's request, counsel for CCSD completed an ESI search of CCSD's emails based on certain agreed upon custodians and search terms—resulting in 242,600 documents. On October 4, 2022, CCSD produced 1,681 emails after reviewing a subset of emails containing certain terms and asked Plaintiff's counsel to further narrow the scope prior to CCSD engaging in any further review. Counsel for Plaintiff is evaluating the same. Separately, on September 7, 2022, CCSD sent Plaintiff's counsel a meet and confer letter raising issues related to the production of Plaintiff's medical and educational records in addition to executing signed releases allowing CCSD to subpoena the same. Those issues are still pending and need to be resolved prior to noticing certain depositions. Accordingly, the parties request a 60-day extension of all deadlines.

PROPOSED SCHEDULE

The parties stipulate and agree that:

1. **Lay Discovery Period:** The deadline to complete lay discovery shall be extended from November 4, 2022 to January 3, 2023.

2. **Initial Expert Disclosure:** The deadline to file initial expert reports shall be extended December 5, 2022 to February 3, 2023.

3. **Rebuttal Expert Disclosure:** The deadline to file rebuttal expert reports shall be extended from January 6, 2023 to March 7, 2023.

4. **Expert Discovery Period:** The deadline to complete expert discovery shall be extended from February 6, 2023 to April 7, 2023.

5. **Dispositive Motions:** The deadline to file dispositive motions shall be extended from March 10, 2023 to May 9, 2023.

6. **Pretrial Order:** If no dispositive motions are filed, the Joint Pretrial Order shall be filed thirty (30) days after the date set for the filing of dispositive motions. Therefore, the joint pretrial order shall be extended from April 10, 2023 to June 9, 2023. In the event dispositive motions are filed, the date for filing the Joint Pretrial Order shall be suspended until thirty (30) days after the decision on the dispositive motions or by further order of the court.

This stipulation and order is sought in good faith and not for the purpose of delay. This is the second request for a scheduling extension.

IT IS SO STIPULATED.

DATED this 14th day of October, 2022.

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DATED this 14th day of October, 2022.

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DATED this 14th day of October, 2022.

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ORDER

In consideration of the stipulation by the parties, and with good cause appearing,

1. **Lay Discovery Period:** The deadline to complete lay discovery shall be extended from November 4, 2022 to January 3, 2023.

2. **Initial Expert Disclosure:** The deadline to file initial expert reports shall be extended December 5, 2022 to February 3, 2023.

3. **Rebuttal Expert Disclosure:** The deadline to file rebuttal expert reports shall be extended from January 6, 2023 to March 7, 2023.

4. **Expert Discovery Period:** The deadline to complete expert discovery shall be extended from February 6, 2023 to April 7, 2023.

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6. **Pretrial Order:** If no dispositive motions are filed, the Joint Pretrial Order shall be filed thirty (30) days after the date set for the filing of dispositive motions. Therefore, the joint pretrial order shall be extended from April 10, 2021. In the event dispositive motions are filed, the date for filing the Joint Pretrial Order shall be suspended until thirty (30) days after the decision on the dispositive motions or by further order of the court.

IT IS SO ORDERED.

The reasons for this extension largely overlap with those that justified the prior extension. See Docket No. 34 at 2. The parties must ensure they move forward with discovery diligently.


UNITED STATES MAGISTRATE JUDGE

DATED October 17, 2022